/61 cont./

613 One may weigh the interest of these investigations of civil
128 status, if I may venture to say it, bearing on each ikhs, its origin, its character. Their most immediate result, one will see some examples of this below, is to reveal an extreme complexity in groups presenting themselves today as units.

/62/ b) Familial archives...

212 A second source, no less rich and more propitious for the
613 usual methods of erudition, is offered by the family archives.
This society is enamored of the written word. It is indeed rare
[415] if each one does not save old papers, put in a "goatskin," tawulkt, or more rarely in a chest. They are rolled in volumen. One slips them into a cylindrical box made from a piece of reed. In this dry climate, preservation is almost indefinite. Still rare for the dates before the beginning of the sixteenth century, these documents become more and more frequent starting from this epoch. The great families preserve them by the thousands.
[691] Merely their inventory, drawn up at the time of legal disputes between heirs, sometimes occupies several pages. Inexhaustible contribution to research, for which they reserve the most unhoped-for windfalls. To be sure, it is protected by its difficulties of access and of deciphering. These illegible scrawls are jealously kept from the gaze of others, a fortiori from the outsider and the administrator, for they conceal, if not powers, at least an intimacy that one wants to safeguard against any hold
[195] over one. Worn and often faded writing, drawn up in a notarial language studded with barbarisms and idioms, their utilization generally requires the help of scholars of the country, alone capable of interpreting them.

Be that as it may, they constitute an inestimable source on the juridical, hence economic and social life of these olden times. From generation to generation, one can follow there the same names of ikhs and thus cross-check the traditional structure of the group. Beyond these verifications of civil status, they allow retracing quite surely the estate formation of the valley lands during the last two centuries at least. One can draw from

[Ait Abdella]

/65 cont./

Second Case

634 /In the original source the following two paragraphs are
619 printed in small type./ The one of the a. Abdella (1),

[195]

1. I thus note, very approximately, the local pronunciation of the name of this group, which differs appreciably from that of the name of an individual, Abdelà, corresponding to ar. /Arabic/ ᶜAbd-Allah.

of the lower valley. Their name calls to mind that of a famous
[167] agellid of the fourteenth century. But, by the same contradiction turned up in a. H'adduyws, the avowed origin of the different ikhs-s is not even attributed to the Seksawa stock. The thing is complicated here by an instability of habitat and by an uncertainty peculiar to these marginal populations. Invasions, infil-
[175] trations, conquests, revolts, submission to the power of the plain, in brief, destruction internally or externally, were repeated all
173 during the past. Legend, confirmed by the old land titles, has it
634 that the a. Abdella succeeded the former Demsira occupants here.
619 During a period that we shall try to determine, the latter, spread out well beyond their present sector, held the lower valley of the Seksawa, up to Bulᶜwân exclusively, and that of the asif n-a. Lh'sen. To the E. they went up to Taddert of the Dwiran.

619 In the case of the a. Abdella, whose whole history indicates
634 vulnerability and who, upon contact with the plain, already lost
[178] many of their old characteristics, the taqbilt is not divided into
621 subdivisions like the "thirds" of the a. H'adduyws. Here, it is the village that plays the role of political unit -- which the
[613] mountain denies it. In each village ikhs-s abound, each of which has its legend of origin.

[Imč'ddan]
[Idma]

/81 cont./

175 539 726 619 "Whoever reads this document will measure what effects hate produced upon us. Whoever among us will henceforth be content to see the people of these tribes pass on our territory, without doing anything to them, for all that he would have been aware of the forfeit of which we were victims, we shall call him to account tomorrow, on the day of the Resurrection. O you who will come after us, reflect on what has been recorded in this text: it was the decree of God.

/82/ "After the Idma had 'beaten' the ait H'adduyws at Awnäss, they stripped the vanquished of their arms, but let them go, whereas our enemies, on this day, did something to us which will remain forever between us.

"O people of Tamt'ddit, of Z'init, whoever will be contented to see a. H'adduyws, a. Tkssit, a. Gasa, a. Gäir, Imelwan, or Maghussa pass on our territory without getting vengeance, we shall punish him on the day of the Resurrection."

[195] [814] Pathetic funereal inscription. We are in full annalistic style there, with a composition not devoid of artifice. I am giving this document in its entire length. One will draw certain conclusions from it if one bears in mind that it is the work of a humble village scholar.

619 174 175 [127]

Attempt at Reconstitution of the Land History of the Moyen /Middle/ Seksawa (1)

1. Chapter set up entirely with the help of land documents.

The arms of the Idma and of their vassals would not have succeeded, in themselves alone, in driving away the a. Gasa. They found an efficient ally in divine will, moved by the curses of Lalla Àziza. And their progress was accompanied, step by step, by juridical regularization.

The liaison of these three aspects: military, mystic, landed property, restores a verity of atmosphere. But let us not hasten to cry "primitive." Here it is not a question, and quite the

/281 cont./
778 begins, the center of which /282/ is Z'init' (1).

[104]

1. I spell correctly with two emphatic accents, even if the emphasis of the ṭ is sufficiently softened to justify apropos the name the etymological pun that one will see. As for the sibilant sound, its emphasis is attested to by the Arabic transcription into ḍ'. This name of Z'init' is strange, like many of these Berbère /Berber/ names, anthroponyms of groups above all, whose unintelligibility and irregularity are striking in contrast to the relative clarity of many names of places or quarters. There are two very different "layers" there.

776 778 These watchers for peril from the plain are santons, of rough visage, but whose frequency clearly marks a denivellation of the sacred. Such as sidi Mh'and Ah'ormi, this saint of the "asylum" (2),

[145]

2. The translation as "asylum" is certainly derivative. The basic idea is that of the interdiction, which is expressed here by an Arabic root h' r m, rather anciently in order for it to have been able to be "personalized" in a punned name of a saint: this sidi Mh'and Ah'ormi, this ah'ormi being perceived as a nasab.

sidi Sâid u Moh'ammed, sidi Lghezwani, sidi Ghânem, sidi Ah'med u Mh'and, and a small sanctuary with a strange name, Iz'mawn Iuserran, "the lions of Iuserran," revealer perhaps of some ancient magic defense (3).

[825] [171]

3. The leonine species is often adopted by the Maghrebi saints; W. Marçais, Textes

361 /283 cont./Anchkrir is dominated by a high table of 2,000 m., at mid-slope of the Tabgurt, and called "the conjoint areas," Inraren Z'dinin. It is a place of periodic assemblies for the election of chiefs, or meetings preliminary to military expeditions. Forum and bivouac. One notes there a small hypaethral sanctuary, simple circle of stones, dedicated to a Lalla Azzo, given as the daughter of Sidi Amer u H'addo, of the issue of the Seksawa kings. At the entrance to the village itself Sidi Sliman u Amer is buried, to whom is dedicated in the summer a small celebration, in decline elsewhere. The latter is also a historic personage, like H'addo u Amer, king of the fourteenth century. One cannot fail to be struck by the homonymy between this Lalla Azzo, of the old royal cycle, and Lalla Aziza, with whom she is identified by some. The name of Aziza, moreover anormal in Chleuh /Shluh/, is still unusual today. The popular language, notably in the choruses, changes it to Azzt. If it should be identified with the names of Azzô or Azzûna, it would perhaps be a matter of the same personage at Z'init' and at Inraren Z'dinin. Then, the existence of an appanage of the saint at Anchkrir, the only village where she has one, would pose the problem of the bond between her cycle and that of the medieval kings. Undoubtedly that is the key to the history of the Seksawa. But how to explain the present site of the sanctuary? Might it result from a displacement of the more modest sepulcher of the higher place? Or would there have been two tombs? We shall probably never know.

The name of Z'init' is curious. It is explained locally by an imperative, with an archaic ending in -it, from the verb z'z'in, "to quarrel, to dispute." The rite confers a certain likelihood to this interpretation. Or else z'z'in-i-t would be a third person of the plural, followed by a preposition and a pronoun. That is, in sum: "are you quarreling" or "one is quarreling for him." All of that, naturally, is pun. There are two "quarrels" in the liturgy of the saint: a legendary pursuit around her body, according to a current hagiological theme; and the blows lavished at the sacrifice of the Mîlâd.

/334 cont./

695 constantly presented as a rural tolerance. Nevertheless the long
175 and harsh controversy that took place for the admission of the complementary oath imposed by the cadi on the cowitnesses of the lafīf was perhaps dominated by an obsession to avoid in this testimonial mode, acclimated in the town with difficulty, anything that would look like the rustic ordeal.

One will measure from that what might be the weight of documents, owed to the hazards of discovery, that permit conjecturing with some chance of precision the passage from one form to another. This is perhaps the case for the following act, very ancient for this society: 899 Heg.: 1494.

/The following two paragraphs are in small type in the original source./ [195] It is composed of two titles. First a habous /wakf/ foundation, which begins in a pure epigraphic style: "Let all those who will come upon this writing know that ᶜAbd al-Mu'min b. Abī Bakr u Alus assigned habous, etc." After the definition of the property by its borderers on the 4 cardinal points, and a redundant enumeration of the effects of the foundation, the act continues: ᶜalāmuᶜāyanat il-bayyīnat al-muzakkiyūn al-murd'iyūn ᶜalāl-h'ubūs wal'-h'iyāzat wa'd-duᶜā'i bi'lbarakat. That is, textually, "on the visual verification of the proof (sic): the accepted purifiers, with regard to the immobilization, to the tradition and to the invocation of the baraka, etc." These "accepted purifiers," that is, the coswearers of the closest degree (whether this degree might be kinship or contractual), are considered here as sufficiently well known for the scribe to dispense /335/ with enumerating them. Note the use of bayyīnat in this personal sense, where it covers some term of Berbère /Berber/ [212] law. Finally, no paraph, the virtue of the writing being deemed sufficient.

The second act, joined to the first, is the transposition of it in lafīf. "Astawqafa (the son of the founder) requires for the proof the ones who have witnessed (sic) the habous in his possession, and whom his father took as witnesses astachhada in the above act which he indeed told them, etc." The son has the

/362 cont./

432
171

/footnote 1 continued/ estate that identified the land: a formula diametrically opposed to ours and which rests, as has been seen, on a completely different conception of the "field." Cf. Fustel de Coulanges, L'alleu et le domaine rural /The allodium and the rural domain/, 1889, p. 18.

With any aim at comparativism set aside, but by title of a geographical lesson, /this footnote is continued on the following page in the original source/ let us note that in the milieu, similarly montagnard and conservative, of Andorra the so-called sale with power of redemption is by far the most frequent. Like the rrahn of the Chleuhs /Shluh/, the Andorran redemption can be very long term, transferable to a third party, and the operations of repurchase are connected, in their validity and their effect upon the pending harvest, with considerations of agricultural season! J.-A. Brutails, La coutume d'Andorre /The customs of Andorra/, 1904, pp. 198 sq.

432/363/ The sale is then called "aggregate," muchâ^{c} (1),

1. Al-^{c}Abbâsî, Ajwiba, lith., t. I, p. 169, l. 8 sq., defines this muchâ^{c} sale, the name of which he writes, ibid., p. 174, l. 15 sq. Locally muchû^{c} or lmuch^{c} is also said.

an expression of bookish origin that we will find to designate the collective, with an unexpected oriental analogy. Other terms are sometimes used: busiyyar or basiyyar in Nfifa, for example.

[195] Sometimes the pen of the writer even rises to hyperbole: a whole

/363 cont./

country is sold, a whole mountain canton. As an act of 1093 Heg.: 1687 says, "all of it is sold, including the jackal of the forest," jami^{c} mâ la-hâ ff dhi'b al-ghâba.

To the lineage revendication, a term that appears to correspond to the patrimonial constancy of the ikhs, is added yet another resource: the chchfâa. This is a matter of something much broader than the faculty of pre-emption that the fiqh offers to the joint-tenant /Fr. coindivisaire/ of the seller. It is not even excluded that formerly the son would have been allowed to put it in opposition to the sales of his own creator. Such a pretension, monstrous in the eyes of the Mussulman law, and moreover of logic, was in 1952 seriously brought before the Tribunal coutumier. In fact, what the Seksawa call chchfâa could be defined: "the exception drawn from the patrimonial maintenance." Sometimes, and this is the orthodox case, a relative intervenes in order to make the option work to his advantage; but by definition this form is as rare as the sale itself. In the generality of the cases, the exception comes to act a long time after the event, as a means of having a habous sale rescinded. I thus come to this institution, which, in Seksawa country, does not at all have its classic or even Maghrebi physiognomy.

Agnatic Sequestration

What is striking first of all is that in the Seksawa mountains the goods of a zaouia, such as the zaouia of Lalla Aziza, a rather large estate-holder /Fr. domainière/, have the characteristics of a private estate. Likewise the turn for water, for example, earmarked for the marabouts on the downstream séguia. On the other hand, the private goods in the mountains are habous most of the time (2).

2. This meaning of the habous has been seen clearly by J. Lafond, Les sources du droit coutumier dans le Sous /The sources of customary law in the Sous/, 1948, pp. 81 sq. In